

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

PAUL ROBERSON,

Petitioner

v.

**IMMIGRATION AND
NATURALIZATION SERVICE,**

Respondent

CIVIL NO. 1:CV-01-1235

(Judge Rambo)

FILED
HARRISBURG, PA

OCT 03 2001

ORDER

MARY E. D'ANDREA, CLERK
Per *MED*
Deputy Clerk

Paul Roberson filed a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241 while being detained by Immigration and Naturalization Service at York County Jail in Pennsylvania. On December 21, 2000, an immigration judge found that Roberson was removable and ordered his deportation. However, the immigration judge also found that Roberson was eligible for relief from removal under section 241(b)(3) of the Immigration and Nationality Act, 8 U.S.C. § 1231(b) and, furthermore, that Roberson's deportation be withheld under Article 3 of the Convention Against Torture. The INS appealed this decision to the BIA on December 21, 2000. Petitioner is seeking release from detention while the appeal is pending.

The petition was served on respondents and a response brief was filed on July 30, 2001. Although not required, petitioner has the right to file a reply brief. Because petitioner did not file a reply brief, this court *sua sponte* contacted the York County Jail on September 17, 2001, and was informed that petitioner was enroute to Louisiana. On September 25, 2001, the court confirmed that Roberson was transferred to New Orleans, Louisiana. Because 2,000 INS detainees in Pennsylvania were transferred to Louisiana in September, the detention center in Louisiana was unable to inform the court of the status of petitioner.

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This court has jurisdiction for the sole issue before it only if the appeal is still pending. Accordingly, **IT IS HEREBY ORDERED THAT** respondent shall file a supplemental brief within ten days of this order indicating the status of the appeal with the BIA, as well as petitioner's removal and/or release status.


SYLVIA H. RAMBO
United States District Judge

Dated: October 3, 2001.

UNITED STATES DISTRICT COURT
FOR THE
MIDDLE DISTRICT OF PENNSYLVANIA

* * MAILING CERTIFICATE OF CLERK * *

Re: 1:01-cv-01235 Roberson v. Immigration and Natu

True and correct copies of the attached were mailed by the clerk
to the following:

Paul Roberson A41-583-833
701 Loyola Ave.
New Orleans, LA 70113

Mark Everett Morrison, Esq.
Martin Carlson
United States Attorney
228 Walnut Street
Harrisburg, PA. 17101

cc:

Judge	(X)	(X) Pro Se Law Clerk
Magistrate Judge	()	() INS
U.S. Marshal	()	() Jury Clerk
Probation	()	
U.S. Attorney	()	
Atty. for Deft.	()	
Defendant	()	
Warden	()	
Bureau of Prisons	()	
Ct Reporter	()	
Ctroom Deputy	()	
Orig-Security	()	
Federal Public Defender	()	
Standard Order 93-5	()	
Bankruptcy Court	()	
Other _____	()	

MARY E. D'ANDREA, Clerk

DATE: October 3rd, 2001

BY:


Deputy Clerk